

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

EARL DAVIS SR,

Plaintiff,

v.

E. CLOAK, et al.,

Defendants.

Case No. 1:22-cv-01632-JLT-HBK (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

(Doc. 25)

Earl Davis Sr. is a state prisoner proceeding *pro se* and *in forma pauperis* in this action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed motions requesting a temporary restraining order and a preliminary injunction. (Docs. 15, 16.) The magistrate judge found “this case does not involve extraordinary circumstances warranting the issuance of a temporary restraining order or preliminary injunction.” (Doc. 25 at 6; *see also id.* at 5-6.) Therefore, the magistrate judge recommended the motions be denied. (*Id.*)

The Court served the Findings and Recommendations on Plaintiff and in it, notified him that any objections must be filed within 14 days of the date of service. (Doc. 25 at 6.) In addition, the Court informed him that the “failure to file objections within the specified time may result in the waiver of rights on appeal.” (*Id.* at 7, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014), *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) Plaintiff did not file any objections, and the time to do so has expired.

1 According to 28 U.S.C. § 636(b)(1)(C), the Court conducted a *de novo* review of this case.
2 Having carefully reviewed the entire file, the Court concludes the Findings and
3 Recommendations are supported by the record and by proper analysis. Thus, the Court

4 **ORDERS:**

- 5 1. The Findings and Recommendations filed on May 15, 2023 (Doc. 25) are
6 **ADOPTED** in full.
- 7 2. Plaintiff's motion for a temporary restraining order (Doc. 15) is **DENIED**.
- 8 3. Plaintiff's motion for a preliminary injunction (Doc. 16) is **DENIED**.

9
10 IT IS SO ORDERED.

11 Dated: **June 22, 2023**


UNITED STATES DISTRICT JUDGE